

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL W. HARLSTON, SR.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09CV00776 ERW
)	
OFFICE OF PERSONNEL)	
MANAGEMENT, et al.,)	
)	
Defendants.)	

ORDER AND MEMORANDUM

This matter is before the Court upon the application of Michael W. Harlston, Sr. for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a). Plaintiff has submitted a partially-completed, unsigned financial affidavit CJA Form 23 [Doc. #3] in support of his application for in forma pauperis status. See Local Rule 2.05(A). As such, the Court is unable to determine, at this time, whether plaintiff is financially unable to pay the filing fee. See 28 U.S.C. § 1915(a), Local Rule 2.05(A).

Accordingly,

IT IS HEREBY ORDERED that, in addition to a copy of this Order, the Clerk of Court shall provide plaintiff with CJA Form 23 (financial affidavit).

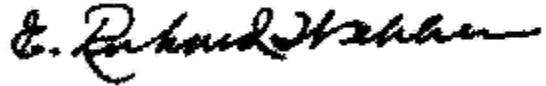
IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days from the date of this Order to pay the statutory filing fee of \$350.00, or to submit a fully completed CJA Form 23 (financial affidavit).

IT IS FURTHER ORDERED that the Court will dismiss this case, without prejudice, if,

within thirty (30) days, plaintiff fails to pay the filing fee or to submit a fully completed CJA Form 23.

IT IS FURTHER ORDERED that if plaintiff complies with this Order, the Clerk of Court shall cause this case to be resubmitted to the undersigned for review under 28 U.S.C. § 1915(a),(d).¹

So Ordered this 9th Day of June, 2009.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

¹The Court notes that if plaintiff pays the filing fee, he will be responsible for serving the summons and the complaint upon the defendant. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m).